

U. S. WILL NOT CALL ALL  
SUBMARINE WARSHIPS

Characteristics of Each Individual  
Submarine Must Govern  
the Case.

WASHINGTON, Sept. 5.—The proposal of the Entente Allies that all submarines accept the principle that all submarines are vessels of war, the United States has dispatched a reply which, it is understood, holds to the principle that the characteristics of each individual submarine must govern the case.

ECZEMA ITCHED AND  
BURNED CONSTANTLY

Used Resinoid—Soon Entirely Cured

Mar. 10.—"I had itching eczema for almost four years. My shoulders, neck, arms and just below the knees were affected. It was simply a constant itching, burning, smarting sensation. The part below my knees was frightful. It would itch me, and with the least scratching become so sore, I could hardly stand it to bend them. I could not possibly sit down because I would naturally have to bend my knees, and that could not do. I could hardly do my housework. I had tried different soaps, ointments, salve, liniments, etc., all to no purpose to mention—all to no avail. At last I learned of Resinoid Ointment and Resinoid Soap and used them according to directions. That night was the first time in many that I slept in peace, and in a short time I was entirely cured." (Signed) Mrs. G. C. Sibley, Box 50, Rockville, N. Y.

All druggists sell Resinoid Ointment and Resinoid Soap. For samples, free, write to Dept. 5-5, Resinoid, Baltimore.



**ERLICH** glasses  
mean a threefold  
help to you;

—eyes relieved;  
—sight improved;  
—peace of mind assured.

Examination by Registered Eye  
Physician. No charge or obligation.  
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71ST ON ITS WAY  
FROM BORDER BACK  
TO GAY BROADWAY

First Unit of New York Troops  
to Entrain for 2,500-Mile  
Trip Home.

14TH AND 3D ARE NEXT.

They Will Follow as Soon as  
the 34th Street Boys  
Get Started.

By Joseph S. Jordan.

(Staff Correspondent of The Evening

World)

HEADQUARTERS NEW YORK

DIVISION, McALLISTER, Texas, Sept. 5.

The Seventy-first Regiment of Man-

hattan finally was selected as the first

unit of the Sixth Division to strike out

for home and went aboard trains this

afternoon for the 2,500-mile ride to

New York. As fast as equipment can

be brought in on the one-track branch

road, the Fourteenth of Brooklyn and

the Third of Rochester and the sur-

rounding country up-State, will be

hauled out and started northward.

The Fourteenth, which has practi-

cally been in quarantine at Minson

because of paratyphoid, was slated

to move out first, but the plan was

changed at the last minute because of

traffic conditions, which permitted

entraining the Seventy-first here at

McAllen under exceptionally favor-

able circumstances. As soon as the

trains carrying the Seventy-first are

off the branch line the trains for the

Fourteenth and Third will be rushed

in.

Paratyphoid is a mild form of ty-

phoid, a walking typhoid, and the

worst feature of it, according to medi-

cal authorities here, is the long term

of convalescence, about three weeks.

A "tick" car will be attached to the

Fourteenth's train and the medical

staff will make daily examinations of

the men on the Northern trip.

Brig. Gen. George R. Dyer and his

staff, with the exception of Lieut. Max

Waner, will go with the Seventy-

first and the General will be in

command of the brigade at Camp

Whitman as long as the three regi-

ments are stationed there. The sol-

diers believe that they are going to

Camp Whitman to be mustered out,

and since the strike has been called

off there seems no other reason for

their going back to New York, not-

withstanding that the supply and

combat wagons remain behind in

charge of the supply companies. The

Seventy-first's route is over the Inter-

national and Great Northern, Texas

and Pacific and Missouri Pacific to

Houston and St. Louis, thence by

the Pennsylvania to Belvidere, Le-

high and Hudson River to Maybrook,

then over the Central New England

to Greenhaven.

Other regiments smile smug smiles

and soldiers are saying, "It's our

turn next." There are many here

who want to stay, but they are not

in the majority. The home fever is

spreading and there is an eager bunch

waiting to say goodbye to Texas.

Meantime, the Twelfth and Twenty-

third are out on the hike, the Twelfth

being due here tomorrow and the

Twenty-third to leave on Thursday.

The Twelfth is Col. Gordon John-

ston's regiment and has been mak-

ing the hike in the best of shape. The

Colonel put a touch of his office

under arrest for the march on the

first day out for not allowing the

men as they were ordered to. After

that the discipline in the ranks was

of the best.

One of the men from the hike ar-

rived here this morning on a special

mission. He surveyed the wares of a

stand just around the corner from

the McAllen Hotel. He was slender

but solid and appeared in the best of

Members of the Joint Commission Which Meets  
To Discuss U. S.-Mexican Troubles To-Morrow

Left to Right - J. R. MOTT, Judge GEORGE GRAY, FRANKLIN K. LANE, LUIS CABRERA, IGNACIO BONILLAS, ALBERTO J. PAH. (Associated Press Photo)

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but solid and appeared in the best of  
condition.

"What have you got?" he said.  
"Gee, I'm thin, I could turn a hand-  
spring in the inside of a flute."

The reorganized New York En-  
gineers are among those who want to  
stay here a while longer, but even  
they look from one to another and  
wonder if it's worth while to go  
ahead with the work. They feel  
something in the air, the atmosphere  
of home. And only as late as Sun-  
day, when the banquet was given to  
the newly made Major, Fred E.  
Humphreys, the military spirit was  
rampant. With dignity and great  
impressiveness Capt. George D. Snyder  
described the insignia of rank in the  
army.

"The Second Lieutenant," he said,  
"has only shoulder straps, indicating  
that he is only on the ground of his  
profession. The First Lieutenant has  
one bar, indicating that he has gone  
up one rung of the ladder or, I might  
say, one rail of the fence. The Cap-  
tain has two bars. He has gone up  
two rails of the fence. Then the Ma-  
jor is given his golden oak leaf of oak-  
the oak which grows above the fence;  
the Lieutenant Colonel receives his  
silver leaf of maple, which towers  
above the oak. The Colonel is given  
the eagle, which soars above the trees  
and the General gets the stars, which  
shine high in the heaven, where the  
eagle cannot soar."

Then Major Humphreys, on whose  
shoulders the golden oak had just  
been submitted for the bars, arose,  
and with that quiet dignity which has  
ever defied any approach of humor  
said:

"Capt. Snyder, I presume, has de-  
scribed the change in my condition.  
Heretofore I've been on the fence and  
now I'm up a tree."

Although all the consumers are in  
Brooklyn, the companies have ap-  
pealed to the New York courts to de-  
clare the law unconstitutional.

At the same time Mr. Lewis is pre-  
paring appeals to the courts to have  
the thousand-dollar penalty enforced  
in the case of each consumer who is  
now paying more than 80 cents for  
gas in the Thirtieth and Thirty-first  
wards of Brooklyn.

**GAS ATTORNEY MAKES A  
QUICK SHIFT.**

On account of this latter activity,  
Mr. Lewis a few weeks ago was made  
a party defendant in the action  
brought by the Kings County Light-  
ing Company, the other company af-  
fected by the 80-cent rate, but when  
the case came up before Judge Clark  
and Mr. Lewis had all his affidavits  
and arguments prepared, asking for  
a change of venue, Ex-Judge O'Brien,  
former Judge of the Appellate Divi-  
sion, acting for the gas company,  
suddenly arose and asked that the ac-  
tion be discontinued as against the  
District Attorney, thus relieving the  
District Attorney from being a party  
defendant.

This closed his argument for the  
change of venue, which was therefore  
dropped, and the company later se-  
cured a temporary injunction from  
Judge Clark against the 80-cent rate.

Mr. Lewis pointed out the fact that  
Judge O'Brien, as lawyer for the com-  
pany, secured an injunction somewhat  
against his own opinion as former  
Judge of the Appellate Division, when  
he held that such an injunction  
should not be granted.

The case referred to is that of  
Richman vs. Consolidated Gas Com-  
pany, 114 Appellate Division, First  
Department, p. 221, in which Judge  
O'Brien joined with the other Judges  
in the following opinion, which prac-  
tically maintains the position that  
the rate should be deemed legal until  
the actual arguments as to confisca-  
tion are heard. The Judges stated:

"These controverted questions  
of fact apparently arise from a  
difference of view with respect to  
the law concerning the items that  
are to be taken into account in  
ascertaining the actual value of  
the property of the company upon  
which its stockholders are en-  
titled to a reasonable profit.

**JUDGE O'BRIEN CONFRONTED  
BY HIS OWN WORDS.**

"It is manifest, however, that this  
question of fact, upon which the  
validity of the law depends, can  
only be determined upon a hear-  
ing on the merits, and that in the  
mean time there is no ground for  
assuming that the law is uncon-  
stitutional.

"It is manifest, however, that this  
until a judicial determination  
upon a final hearing a statute is  
presumed to be valid, and al-  
though its enforcement may be  
temporarily enjoined its opera-  
tion cannot be suspended.

"The practical effect of the rule  
is that, until the statute is ad-  
judged to be unconstitutional by a  
court of competent jurisdic-  
tion, the legal rate which con-  
sumers are required to pay, and  
upon payment of which they are  
entitled to a continuance of the  
service, is that prescribed by the  
last enactment of the Legisla-  
ture pending the decision of the  
question as to constitutionality of  
the statute. Therefore, the com-  
pany should not be permitted to  
coerce the consumers into paying  
the old rate."

In a separate opinion on the same  
case Judge O'Brien makes the fol-  
lowing significant statement:

"So, too, with respect to the  
amount of proof required to sus-  
tain the right to an injunction,  
there was no serious contention  
that the plaintiff's papers were  
insufficient to present the claim  
that gas should be charged for at  
the new rate because being  
placed, and properly, upon the

fact that this was the legal rate.  
And the effect of the defendant,  
and by affidavit to show that it  
was an unjust and confiscatory  
rate was proper in view of the  
burden placed upon it in attack-  
ing the validity of the act and  
with a view to overcoming the  
presumption which arises from  
the act itself that the price fixed  
by the statute is a proper one,  
which presumption continues un-  
til upon the trial it is overcome."

Mr. Lewis has made affidavit to  
the significant figures relating to the  
population of the Thirtieth and  
Thirty-first wards which has in-  
creased more than 41 per cent.

In 1910 the Kings County Company  
offered to reduce the rates on a slid-  
ing scale, so that in 1915 the con-  
sumers would have had an 80-cent  
gas rate. The consumers at that  
time held that they should have had  
an 80-cent gas rate in 1910 and did  
not accept the offer. The population  
then in the Thirtieth and Thirty-  
first wards was 107,394.

In 1915, when the rate offered by  
the company would have reached 80  
cents, the population was 160,716. The  
population increased 52,322 in the five  
years, and the business of the com-  
pany increased accordingly, the com-  
pany during this period enjoying the  
high rate.

The Kings County Company in 1910  
had a total length of lines and mains  
of over 155 miles. In 1910 it was  
serving gas to 18,406 persons approx-  
imately.

That the service in one company  
alone has increased 46 per cent in  
five years proves conclusively that the  
plan of confiscation may be easily  
dispelled.

**BRONX HOUSE COLLAPSE  
BEFORE GRAND JURY**

Justice Tierney Orders Indictments  
if Criminal Negligence  
Is Found.

Justice Tierney in the Bronx County  
Supreme Court to-day, in charging  
the new September Grand Jury, gave  
instructions to investigate the col-  
lapse of the new tenement building  
on Marlon Avenue, a fortnight ago,  
which caused the deaths of two work-  
men and resulted in the injury of  
others. The Justice said:

"A short time ago a tenement house  
collapsed in the Bronx and it is your  
duty to make an investigation and, if  
you find criminal negligence, to bring  
an indictment, no matter who is to  
blame, public officials or other persons.  
Such conditions must not be tolerated."

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PEACE BOARD OFF  
ON MAYFLOWER TO  
DISCUSS MEXICO

The Mexican and American Inter-  
national Commissions, which will con-  
fer regarding the border difficulties,  
left for New London at 7 o'clock this  
morning on board the Presidential  
yacht the Mayflower.

The members left the Ritz-Carlton  
and the Hotel Baltimore at 4:30 and  
were taken in seven automobiles to the  
New York Yacht Club landing, at the  
end of East Twenty-third Street.  
Thence they were transported in  
launches to the Mayflower, anchored  
off East Twenty-sixth Street.

As the Mayflower proceeded up the  
stream vessels saluted by blowing  
their sirens.

The members of the party were  
Franklin K. Lane, Secretary of the  
Interior and Chairman of the Ameri-  
can Commission; Judge George Gray  
and John R. Mott of the American  
Commission; Luis Cabrera, Secretary  
of the Mexican Treasury; Alberto J.  
Pani and Ignacio Bonillas of the Mex-  
ican Commission; Dr. L. S. Rowe,  
Secretary to the American Commis-  
sion, and Stephen Bonsai, Attaché to  
the American Commission.

Mrs. Bonillas, her three daughters  
and Mrs. Pani were also members of  
the party.

**BRITISH LABOR MEN  
WANT STATE TO OWN  
ALL THE RAILROADS**

BIRMINGHAM, England, Sept. 5.—  
A determined stand for nationaliza-  
tion of the railroads of Great Britain  
was taken to-day by the Trades  
Union Congress, representing nearly  
2,500,000 men. The Congress de-  
manded acquisition of all the rail-  
roads by the State and a voice in  
their control for the workers. The  
project for the creation of a Minis-  
try of Labor also was approved by a  
large majority.

Assertions made by David Lloyd  
George, Secretary for War, that work-  
ers were not doing all that they  
should were denounced unanimously,  
and it was pointed out that 90 per  
cent of the soldiers in the trenches  
were workmen. Many hard words  
were spoken in regard to the Secre-  
tary and a retraction from him was  
demanded.

The possibility of industrial con-

scription was discussed at length and  
the Congress registered a strong pro-  
test against the sending of soldiers  
to work in factories unless they are  
placed on the same footing as civil-  
ians in regard to treatment and  
wages.

Discussing the proposal by Ameri-  
can Federation of Labor officials that  
an international conference of organ-  
ized labor be held after the war, Will  
Thorne, Labor Member of Parlia-  
ment, declared:

"We men couldn't sit in such a con-  
ference with workers of the Central  
powers even after the war. We would  
gladly meet workers of allied and neu-  
tral countries."

The labor delegates cheered this  
statement.

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